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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,921	07/17/2003	Rockne W. Behnke	JK01503	3083
28268	7590	04/18/2006	EXAMINER	
THE BLACK & DECKER CORPORATION 701 EAST JOPPA ROAD, TW199 TOWSON, MD 21286			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,921	BEHNE, ROCKNE W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,5-8,10,12-14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5-8,10 and 12-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2006 has been entered.

### ***Claim Objections***

2. Claims 6 and 13 are objected to because of the following informalities:

In each claim, the recitation "wherein the tension handle having" is awkward and improper, and it seems that "having" should be changed to --has-- or the like.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 2-3 of each claim, the recitation "increases as the size of the tension crank increases" is vague and indefinite as to what is being set forth, particularly since it

is not clear as to how the size of the tension crank, which is disclosed as a substantially cylindrical shaped object 210 of fixed dimensions.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5-8, 10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Snodgrass, Jr., Pub. No. 2001/0054337.

**Claims 1, 3 and 5-7**

Snodgrass discloses a blade tensioning device with every structural limitation of the claimed invention including:

a sliding tension bracket (e.g., the plate like structure indicated by 79, see

Fig. 13) for engaging the upper band wheel and the upper arm of the band saw;

a lifting shoe (e.g., 44) coupled with the sliding tension bracket and configured and dimensioned to be received within the upper arm of the band saw and to slide the sliding tension bracket within the upper arm of the band saw;

a pin (e.g., each of the tooth-like projections on the outer portion of 76, see Fig. 3, which, like the pin of the present invention, is an elongated element fixedly attached to the outer perimeter of a rotatable component) for contacting and moving the lifting shoe within the upper arm of the band saw;

a tension crank (e.g., 62) having a first end and a second end, the first end coupled with the pin, the tension crank configured and dimensioned to be received within the upper arm of the band saw, the tension crank capable of rotating the pin;

a tension handle (e.g., 64) having a first position and a second position, the tension handle coupled with the second end of the tension crank, the tension handle rotates the tension crank causing the pin to rotate about the tension crank when the tension handle is moved, wherein the tension handle, when in the first position, rotates the pin to a position where the pin abuts the lifting shoe and releases tension from the band saw blade and, when in the second position, rotates the pin to a position where the pin contacts and moves with the lifting shoe, and applies tension to the band saw blade;

(claim 3) wherein the band saw further includes a standard blade tensioning device (it is noted that the band saw is not positively set forth as part of the claimed "quick-pin blade tensioning device" so this claim does not explicitly set forth or otherwise imply any additional structure of the claimed tensioning device);

(claim 5) wherein the tension handle is removable from the tension crank (e.g., by member 48, or as shown in Figure 14);

(claim 6) wherein the tension handle having at least three positions (e.g., as shown in Figure 5);

(claim 7) wherein tension applied to the band saw blade when the tension handle is moved increases as the size of the tension crank increases (which appears to be met by the tension crank of Snodgrass as best understood from the claim language).

Claims 8, 10 and 12-14

Snodgrass discloses a band saw with every structural limitation of the claimed invention including:

a quick-pin tensioning device coupled with the upper band wheel of the band saw, the quick-pin tensioning device comprising,

a sliding tension bracket (e.g., the plate like structure indicated by 79, see Fig. 13) for engaging the upper band wheel and the upper arm of the band saw;

a lifting shoe (e.g., 44) coupled with the sliding tension bracket and configured and dimensioned to be received within the upper arm of the band saw and to slide the sliding tension bracket within the upper arm of the band saw (e.g., as shown in Fig. 13);

a pin (e.g., each of the tooth-like projections on the outer portion of 76, see Fig. 3, which, like the pin of the present invention, is an elongated element fixedly attached to the outer perimeter of a rotatable component) for contacting and moving the lifting shoe within the upper arm of the band saw;

a tension crank (e.g., 62) having a first end and a second end, the first end coupled with the pin, the tension crank configured and dimensioned to be received

within the upper arm of the band saw (e.g., as shown in Fig. 13), the tension crank capable of rotating the pin;

a tension handle (e.g., 64) having a first position and a second position, the tension handle coupled with the second end of the tension crank, the tension handle rotates the tension crank causing the pin to rotate about the tension crank when the tension handle is moved, wherein the tension handle, when in the first position, rotates the pin to a position where the pin abuts the lifting shoe and releases tension from the band saw blade and, when in the second position, rotates the pin to a position where the pin contacts and moves with the lifting shoe, and applies tension to the band saw blade;

(claim 10) wherein the band saw further includes a standard blade tensioning device (e.g., 81);

(claim 12) wherein the tension handle is removable from the tension crank (e.g., by member 48, or as shown in Figure 14);

(claim 13) wherein the tension handle having at least three positions (e.g., as shown in Figure 5);

(claim 14) wherein tension applied to the band saw blade when the tension handle is moved increases as the size of the tension crank increases (which appears to be met by the tension crank of Snodgrass as best understood from the claim language).

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cfd  
April 13, 2006